

To: O'Lone, Mary[OLone.Mary@epa.gov]
From: Wilson, Adam
Sent: Thur 2/2/2017 2:03:14 PM
Subject: FW: Draft letter to D. Price
Draft response to Congressman David Price (1.13.17).docx

From: Wilson, Adam
Sent: Friday, January 13, 2017 9:26 AM
To: O'Lone, Mary <olone.mary@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: Draft letter to D. Price

Thanks, Mary. I've updated the letter accordingly (lifted language from the final draft of the desk statement and deleted extra details).

Elise, how else can I help? Latest draft is attached.

From: O'Lone, Mary
Sent: Thursday, January 12, 2017 6:00 PM
To: Wilson, Adam <wilson.adam@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: Draft letter to D. Price

Desk statement will likely say just this:

Ex. 5 - Deliberative Process/Atty Client

From: Wilson, Adam

Sent: Thursday, January 12, 2017 5:12 PM
To: O'Lone, Mary <OLone.Mary@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: Draft letter to D. Price

Mary, is the description in my draft letter significantly different from content in the desk statement? When will the desk statement be finalized? **Elise**, how long can this letter wait?

From: O'Lone, Mary
Sent: Thursday, January 12, 2017 5:08 PM
To: Wilson, Adam <wilson.adam@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: Draft letter to D. Price

Adam-

So sorry, since we discussed the draft desk statement our thinking on the content of it & how much we will talk about the letter has drastically changed.

I don't know if we want to wait on this letter until the desk statement is finalized & just use that sentence or two for this response.

Ex. 5 - Deliberative Process/Atty Client

From: Wilson, Adam
Sent: Thursday, January 12, 2017 4:59 PM
To: O'Lone, Mary <OLone.Mary@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>
Subject: Draft letter to D. Price

Hi Mary and Elise,

Ex. 5 - Deliberative Process/Atty Client

Ex. 5 - Deliberative Process/Atty Client

Seeing as you're both super busy, I'm sending it to you both.

Ex. 5 - Deliberative Process/Atty Client

Many thanks,

--Adam

P.S. It's exceedingly unlikely that we haven't sent the letter to Senator Booker, but if we still have it, we spelled his name wrong. No "e" in Cory.

Adam Wilson

Civil Rights and Finance Law Office

Office of General Counsel (MC 2399A)

U.S. Environmental Protection Agency

1200 Pennsylvania Ave, NW

Washington, DC 20460

(202) 564-3357



To: O'Lone, Mary[o'lonc.mary@epa.gov]
Cc: Rhodes, Julia[Rhodes.Julia@epa.gov]
From: Wooden-Aguilar, Helena
Sent: Tue 11/4/2014 4:37:17 PM
Subject: Re: REACH, Inc. (Complaint under Title VI of the Civil Rights Act of 1964)

Velveta said the afternoon.

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Nov 4, 2014, at 10:20 AM, "O'Lone, Mary" <o'lonc.mary@epa.gov> wrote:

Julia has to leave by 11:00 ish.

Is the morning possible?

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Wooden-Aguilar, Helena
Sent: Monday, November 03, 2014 1:31 PM
To: O'Lone, Mary; Rhodes, Julia
Subject: FW: REACH, Inc. (Complaint under Title VI of the Civil Rights Act of 1964)

What is the best time for OGC? I will work with OCR's schedules.

From: Neal, Daria (CRT) [<mailto:Daria.Neal@usdoj.gov>]
Sent: Monday, November 03, 2014 1:29 PM
To: Wooden-Aguilar, Helena
Cc: Whickum, Cheryl
Subject: RE: REACH, Inc. (Complaint under Title VI of the Civil Rights Act of 1964)

Hi Helena,

Any time after 11 will work for us. Thanks.

From: Wooden-Aguilar, Helena [<mailto:Wooden-Aguilar.Helena@epa.gov>]
Sent: Monday, November 03, 2014 1:13 PM
To: Neal, Daria (CRT)
Cc: Whickum, Cheryl
Subject: RE: REACH, Inc. (Complaint under Title VI of the Civil Rights Act of 1964)

Daria-

What times work for DOJ? We are open on our end.

Helena

From: Neal, Daria (CRT) [<mailto:Daria.Neal@usdoj.gov>]
Sent: Monday, November 03, 2014 1:12 PM
To: Golightly-Howell, Velveta
Cc: O'Lone, Mary; Lareau, Alyssa (CRT); Packard, Elise; Fitzpatrick, Ryan (CRT); Wooden-Aguilar, Helena; Gelman, Laurie (CRT); Rhodes, Julia
Subject: RE: REACH, Inc. (Complaint under Title VI of the Civil Rights Act of 1964)

Thanks Velveta. We look forward to pinning down a time Friday.

From: Golightly-Howell, Velveta [<mailto:Golightly-Howell.Velveta@epa.gov>]
Sent: Saturday, November 01, 2014 9:37 AM
To: Neal, Daria (CRT)
Cc: O'Lone, Mary; Lareau, Alyssa (CRT); Packard, Elise; Fitzpatrick, Ryan (CRT); Wooden-Aguilar, Helena; Gelman, Laurie (CRT); Rhodes, Julia
Subject: REACH, Inc. (Complaint under Title VI of the Civil Rights Act of 1964)

Hi Daria. Your message fell and I'm just seeing it. By now, you know from Helena that we're planning to meet w/you, et al. next Friday. Thanks for letting us know it'll work. We'll need to schedule the meeting for the afternoon. As for the letter, as I let you know at DOJ's 10/2 Title VI training, the draft was under review by senior officials. It still is. We, however, anticipate that it'll be issued soon. Take care everyone.

Velveta

From: Neal, Daria (CRT) <Daria.Neal@usdoj.gov>
Sent: Thursday, October 30, 2014 5:13:29 PM
To: Golightly-Howell, Velveta; Rhodes, Julia
Cc: O'Lone, Mary; Lareau, Alyssa (CRT); Packard, Elise; Fitzpatrick, Ryan (CRT); Wooden-Aguilar, Helena; Gelman, Laurie (CRT)
Subject: RE: REACH, Inc. (Complaint under Title VI of the Civil Rights Act of 1964)

Hello Velveta and Julia,

Is there any way we can meet on dates other than those below? As I understand it, the letter acknowledging acceptance of the complaint for investigation has not gone out so the 180 day clock has not begun.

Ex. 5 - Deliberative Process/Atty Client

Ex. 5 - Deliberative Process/Atty Client

As far as dates for us, Fridays are generally not good. It looks like Tuesdays or Thursdays the next few weeks may work but there are a few holidays that may make scheduling a challenge.

Thanks.

Daria

From: Golightly-Howell, Velveta [mailto:Golightly-Howell.Velveta@epa.gov]
Sent: Thursday, October 23, 2014 5:57 PM
To: Neal, Daria (CRT)
Cc: O'Lone.Mary@epa.gov; Lareau, Alyssa (CRT); Packard, Elise; Fitzpatrick, Ryan (CRT); Wooden-Aguilar, Helena; Rhodes, Julia
Subject: Re: REACH, Inc. (Complaint under Title VI of the Civil Rights Act of 1964)

Hi Daria. Hope all's well w/you. I'll be traveling the week of 11/3 and the following week. I can meet on 11/14, 11/15, 11/21 or the week of Thanksgiving. We look forward to finding a date/time tat work. Take care.

Velveta

From: Neal, Daria (CRT) <Daria.Neal@usdoj.gov>
Sent: Thursday, October 23, 2014 3:23:59 PM
To: Golightly-Howell, Velveta; Wooden-Aguilar, Helena; Rhodes, Julia
Cc: O'Lone.Mary@epa.gov; Lareau, Alyssa (CRT); Packard, Elise; Fitzpatrick, Ryan (CRT)
Subject: RE: REACH, Inc. (Complaint under Title VI of the Civil Rights Act of 1964)

Hello Velveta, Helena, and Julia.

I hope all is well. We would like to schedule a time to talk during the week of November 3rd

Ex. 5 - Deliberative Process/Atty Client

Ex. 5 - Deliberative Process/Atty Client

Can you please let us know some dates and times you are available)?

Thanks.

Best,

Daria

Daria E. Neal

Deputy Chief

Federal Coordination and Compliance Section

Civil Rights Division

United States Department of Justice

Email: daria.neal@usdoj.gov

Tel: (202) 305-3346

Fax: (202) 307-0595

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Sign up [here](#) for our Title VI Newsletter, and read past issues [here](#).

From: Golightly-Howell, Velveta [<mailto:Golightly-Howell.Velveta@epa.gov>]

Sent: Friday, September 26, 2014 6:36 PM

To: Neal, Daria (CRT)

Cc: Jang, Deeana (CRT); Fitzpatrick, Ryan (CRT); Wooden-Aguilar, Helena; Rhodes, Julia; O'Lone.Mary@epa.gov; Lareau, Alyssa (CRT); Packard, Elise

Subject: REACH, Inc. (Complaint under Title VI of the Civil Rights Act of 1964)

Thank you Daria. We'll follow up **Ex. 5 - Deliberative Process**

Ex. 5 - Deliberative Process

Velveta

From: Neal, Daria (CRT) [<mailto:Daria.Neal@usdoj.gov>]
Sent: Friday, September 26, 2014 6:09 PM
To: Golightly-Howell, Velveta; Lareau, Alyssa (CRT)
Cc: Jang, Decana (CRT); Fitzpatrick, Ryan (CRT); Wooden-Aguilar, Helena; Rhodes, Julia; O'Lone.Mary@epa.gov
Subject: RE: REACH, Inc. (Complaint under Title VI of the Civil Rights Act of 1964)

Hi Velveta,

Ex. 5 - Deliberative Process/ Atty Client

Ex. 5 - Deliberative Process/ Atty Client

Have a good weekend.

Daria

From: Golightly-Howell, Velveta [<mailto:Golightly-Howell.Velveta@epa.gov>]
Sent: Wednesday, September 24, 2014 8:38 PM
To: Lareau, Alyssa (CRT); Neal, Daria (CRT)
Cc: Jang, Deeana (CRT); Fitzpatrick, Ryan (CRT); Wooden-Aguilar, Helena; Rhodes, Julia; O'Lone.Mary@epa.gov
Subject: REACH, Inc. (Complaint under Title VI of the Civil Rights Act of 1964)

Hi Alyssa and Daria. We appreciated your and Ryan meeting with us today. Daria, in response to my question

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

everyone.

Velveta

From: Lareau, Alyssa (CRT) <Alyssa.Lareau@usdoj.gov>
Sent: Tuesday, September 23, 2014 2:51:39 PM
To: Golightly-Howell, Velveta; Neal, Daria (CRT)
Cc: Jang, Deeana (CRT); Fitzpatrick, Ryan (CRT); Wooden-Aguilar, Helena; Wooden-Aguilar, Helena
Subject: RE: Complaint under Title VI of the Civil Rights Act of 1964

All,

We are looking forward to our phone discussion at noon tomorrow. Let's use the

following call in information:

Ex. 6 - Personal Privacy

Let me know if you have any questions.

Alyssa

Alyssa C. Lareau

Attorney

Federal Coordination and Compliance Section

U.S. Department of Justice - Civil Rights Division

Direct: (202) 305-2994 [voice]

alyssa.lareau@usdoj.gov

<http://www.justice.gov/crt/about/cor/>

From: Golightly-Howell, Velveta [<mailto:Golightly-Howell.Velveta@epa.gov>]

Sent: Monday, September 22, 2014 5:28 PM

To: Neal, Daria (CRT)

Cc: Jang, Deeana (CRT); Lareau, Alyssa (CRT); Fitzpatrick, Ryan (CRT); Wooden-Aguilar, Helena; Wooden-Aguilar, Helena

Subject: RE: Complaint under Title VI of the Civil Rights Act of 1964

Hi Daria. While I'd welcome the opportunity to sit down with you all, I have a meeting with a regional official that's not scheduled to end until noon on the 24th. Take care.

Velveta

Velveta Golightly-Howell

Director, Office of Civil Rights

Environmental Protection Agency

1200 Pennsylvania Avenue, N.W.

Mail Code 1201A

Washington, DC 20460

202-564-6685

From: Neal, Daria (CRT) [<mailto:Daria.Neal@usdoj.gov>]

Sent: Monday, September 22, 2014 5:20 PM

To: Wooden-Aguilar, Helena

Cc: Golightly-Howell, Velveta; Jang, Deeana (CRT); Lareau, Alyssa (CRT); Fitzpatrick, Ryan (CRT)

Subject: RE: Complaint under Title VI of the Civil Rights Act of 1964

Hi Helena,

That works well for us. Would you prefer to meet in person or by phone? We can come to your office.

Daria

From: Wooden-Aguilar, Helena [<mailto:Wooden-Aguilar.Helena@epa.gov>]
Sent: Monday, September 22, 2014 3:08 PM
To: Neal, Daria (CRT)
Cc: Golightly-Howell, Velveta; Jang, Deeana (CRT); Lareau, Alyssa (CRT); Fitzpatrick, Ryan (CRT)
Subject: Re: Complaint under Title VI of the Civil Rights Act of 1964

Hi Daria

I am working on scheduling this meeting. How does the 24th at noon work for you and others at Justice?

Helena

Helena Wooden-Aguilar

Assistant Director

External Civil Rights - US EPA

202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Sep 18, 2014, at 12:49 PM, "Neal, Daria (CRT)" <Daria.Neal@usdoj.gov> wrote:

Hi Velveta and Helena,

Ex. 5 - Deliberative Process/ Atty Client

Ex. 5 - Deliberative Process/ Atty Client

Can you let us know some dates over the next two weeks that you are available to meet?

Also, we are missing some parts of the exhibits. If you have the following, can you please email them to us.:

- Vol I - Exs 1-26. The pdf stopped at Ex 6, sub-exhibit 11 (We have Ex. 6, the Declaration of Larry Baldwin and sub-exhibits 1-11 of that Declaration but not sub-exhibits 12-17 of that declaration). We are missing Exhibits 7-26 in their entirety.
- Ex 39 documents are very blurry. Did you all receive a clear copy?

Thank you so much.

Daria

From: Jocelyn D'Ambrosio [<mailto:jdambrosio@earthjustice.org>]

Sent: Wednesday, September 03, 2014 6:39 PM

To: 'mccarthy.gina@epa.gov'; 'Title VI Complaints@epa.gov'

Cc: 'wooden-aguilar.helena@epa.gov'; 'Tejada.matthew@epa.gov'; 'McTeertoney.heather@Epa.gov'; 'Halim-Chestnut.naima@Epa.gov'; Neal, Daria (CRT); 'tom.reeder@ncdenr.gov'; 'christine.lawson@ncdenr.gov'; naeema1951@gmail.com; 'djhall7@aol.com'; 'lbaldwin@waterkeeper.org'

Subject: Complaint under Title VI of the Civil Rights Act of 1964

Dear Administrator McCarthy and Ms. Golightly-Howell,

On March 7, 2014, the North Carolina Department of Environment and Natural Resources ("DENR") issued a general permit that allows industrial swine facilities in North Carolina to operate with grossly inadequate and outdated systems of controlling animal waste and little provision for government oversight, which has an unjustified

disproportionate impact on the basis of race and national origin against African Americans, Latinos, and Native Americans in violation of Title VI of the Civil Rights Act of 1964 and EPA's implementing regulations.

North Carolina Environmental Justice Network, Rural Empowerment Association for Community Help, and Waterkeeper Alliance, Inc. ("Complainants") hereby submit the attached complaint against DENR and request that EPA investigate the complaint and require that DENR come into compliance with the law.

As you may know, Complainants and other community members in eastern North Carolina have complained to DENR about the adverse effects of the swine industry on their health and environment for years, to no avail. Today, Complainants ask that EPA take action.

We will be forwarding exhibits by separate email and, also, sending hard copies overnight by Federal Express to each of your offices. Of course, please let us know if these materials raise any question. We would welcome the opportunity to discuss the complaint.

Sincerely,

Jocelyn D'Ambrosio and Marianne Engelman Lado

Jocelyn D'Ambrosio

Associate Attorney

Earthjustice Northeast Office

48 Wall Street, 19th Floor
New York, New York 10005
T: 212-845-7385
F: 212-918-1556
earthjustice.org

<image001.gif>

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Message

From: Rhodes, Julia [Rhodes.Julia@epa.gov]
Sent: 10/23/2014 9:41:50 PM
To: O'Lone, Mary [OLone.Mary@epa.gov]; Wooden-Aguilar, Helena [Wooden-Aguilar.Helena@epa.gov]
Subject: RE: REACH, Inc. (Complaint under Title VI of the Civil Rights Act of 1964)

Also, will need to involve OECA.

Julia Rhodes
Assistant General Counsel for the Civil Rights Practice Group
Civil Rights and Finance Law Office
Office of General Counsel
Environmental Protection Agency
1200 Pennsylvania Avenue, NW, 2399A
Washington, DC 20460
Phone: 202.564.1417

From: O'Lone, Mary
Sent: Thursday, October 23, 2014 5:38 PM
To: Wooden-Aguilar, Helena
Cc: Rhodes, Julia
Subject: FW: REACH, Inc. (Complaint under Title VI of the Civil Rights Act of 1964)

Told ya.

Ex. 5 - Deliberative Process/ Atty Client

Mary O'Lone
Civil Rights and Finance Law Office
Office of General Counsel
US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: Neal, Daria (CRT) [<mailto:Daria.Neal@usdoj.gov>]
Sent: Thursday, October 23, 2014 5:24 PM
To: Golightly-Howell, Velveta; Wooden-Aguilar, Helena; Rhodes, Julia
Cc: O'Lone.Mary@epa.gov; Lareau, Alyssa (CRT); Packard, Elise; Fitzpatrick, Ryan (CRT)
Subject: RE: REACH, Inc. (Complaint under Title VI of the Civil Rights Act of 1964)

Hello Velveta, Helena, and Julia.

I hope all is well. We would like to schedule a time to talk during the week of November 3rd to update you

Ex. 5 - Deliberative Process/ Atty Client

Ex. 5 - Deliberative Process/ Atty Client

Can you please let us know some dates and times you are available)?

Thanks.

Best,
Daria

Daria E. Neal
Deputy Chief
Federal Coordination and Compliance Section
Civil Rights Division
United States Department of Justice
Email: daria.neal@usdoj.gov
Tel: (202) 305-3346
Fax: (202) 307-0595

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Sign up [here](#) for our Title VI Newsletter, and read past issues [here](#).

From: Golightly-Howell, Velveta [<mailto:Golightly-Howell.Velveta@epa.gov>]
Sent: Friday, September 26, 2014 6:36 PM
To: Neal, Daria (CRT)
Cc: Jang, Deeana (CRT); Fitzpatrick, Ryan (CRT); Wooden-Aguilar, Helena; Rhodes, Julia; O'Lone.Mary@epa.gov; Lareau, Alyssa (CRT); Packard, Elise
Subject: REACH, Inc. (Complaint under Title VI of the Civil Rights Act of 1964)

Thank you Daria. We'll follow up to reply **Ex. 5 - Deliberative Process/ Atty Client** ASAP.

Velveta

From: Neal, Daria (CRT) [<mailto:Daria.Neal@usdoj.gov>]
Sent: Friday, September 26, 2014 6:09 PM
To: Golightly-Howell, Velveta; Lareau, Alyssa (CRT)
Cc: Jang, Deeana (CRT); Fitzpatrick, Ryan (CRT); Wooden-Aguilar, Helena; Rhodes, Julia; O'Lone.Mary@epa.gov
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Hi Velveta,

Ex. 5 - Deliberative Process/ Atty Client

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Have a good weekend.

Daria

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Subject: REACH, Inc. (Complaint under Title VI of the Civil Rights Act of 1964)

Hi Alyssa and Daria. We appreciated your and Ryan meeting with us today. Daria, in response to my question, you

Ex. 5 - Deliberative Process/ Atty Client

Would you please send Helena and me a list of them and copy Julia and Mary? As she said, Helena will forward the info you requested ASAP. Bye everyone.

Velveta

From: Lareau, Alyssa (CRT) <Alyssa.Lareau@usdoj.gov>
Sent: Tuesday, September 23, 2014 2:51:39 PM
To: Golightly-Howell, Velveta; Neal, Daria (CRT)
Cc: Jang, Deeana (CRT); Fitzpatrick, Ryan (CRT); Wooden-Aguilar, Helena; Wooden-Aguilar, Helena
Subject: RE: Complaint under Title VI of the Civil Rights Act of 1964

All,

We are looking forward to our phone discussion at noon tomorrow. Let's use the following call in information:

Ex. 6 - Personal Privacy

Let me know if you have any questions.

Alyssa

Alyssa C. Lareau
Attorney

Federal Coordination and Compliance Section
U.S. Department of Justice - Civil Rights Division
Direct: (202) 305-2994 [voice]
alyssa.lareau@usdoj.gov
<http://www.justice.gov/crt/about/cor/>

From: Golightly-Howell, Velveta [<mailto:Golightly-Howell.Velveta@epa.gov>]
Sent: Monday, September 22, 2014 5:28 PM
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Subject: RE: Complaint under Title VI of the Civil Rights Act of 1964

Hi Daria. While I'd welcome the opportunity to sit down with you all, I have a meeting with a regional official that's not scheduled to end until noon on the 24th. Take care.

Velveta

Velveta Golightly-Howell
Director, Office of Civil Rights
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Mail Code 1201A
Washington, DC 20460
202-564-6685

From: Neal, Daria (CRT) [<mailto:Daria.Neal@usdoj.gov>]
Sent: Monday, September 22, 2014 5:20 PM
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Cc: Golightly-Howell, Velveta; Jang, Deeana (CRT); Lareau, Alyssa (CRT); Fitzpatrick, Ryan (CRT)
Subject: RE: Complaint under Title VI of the Civil Rights Act of 1964

Hi Helena,
That works well for us. Would you prefer to meet in person or by phone? We can come to your office.

Daria

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Cc: Golightly-Howell, Velveta; Jang, Deeana (CRT); Lareau, Alyssa (CRT); Fitzpatrick, Ryan (CRT)
Subject: Re: Complaint under Title VI of the Civil Rights Act of 1964

Hi Daria

I am working on scheduling this meeting. How does the 24th at noon work for you and others at Justice?

Helena

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Sep 18, 2014, at 12:49 PM, "Neal, Daria (CRT)" <Daria.Neal@usdoj.gov> wrote:

Hi Velveta and Helena,

As you know, we received a copy of the CAFOs complaint from Earthjustice. I'd like for us to meet to

Ex. 5 - Deliberative Process/ Atty Client

Can you let us know some dates over the next two weeks that you are available to meet?

Also, we are missing some parts of the exhibits. If you have the following, can you please email them to us.:

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- Ex 39 documents are very blurry. Did you all receive a clear copy?

Thank you so much.

Daria

From: Jocelyn D'Ambrosio [<mailto:jdambrosio@earthjustice.org>]

Sent: Wednesday, September 03, 2014 6:39 PM

To: 'mccarthy.gina@epa.gov'; 'Title VI Complaints@epa.gov'

Cc: 'wooden-aguilar.helena@epa.gov'; 'Tejada.matthew@epa.gov'; 'McTeertoney.heather@Epa.gov';

'Halim-Chestnut.naima@Epa.gov'; Neal, Daria (CRT); 'tom.reeder@ncdenr.gov';

'christine.lawson@ncdenr.gov'; 'naeema1951@gmail.com'; 'djhall7@aol.com'; 'lbaldwin@waterkeeper.org'

Subject: Complaint under Title VI of the Civil Rights Act of 1964

Dear Administrator McCarthy and Ms. Golightly-Howell,

On March 7, 2014, the North Carolina Department of Environment and Natural Resources ("DENR") issued a general permit that allows industrial swine facilities in North Carolina to operate with grossly inadequate and outdated systems of controlling animal waste and little provision for government oversight, which has an unjustified disproportionate impact on the basis of race and national origin against African Americans, Latinos, and Native Americans in violation of Title VI of the Civil Rights Act of 1964 and EPA's implementing regulations.

North Carolina Environmental Justice Network, Rural Empowerment Association for Community Help, and Waterkeeper Alliance, Inc. ("Complainants") hereby submit the attached complaint against DENR and request that EPA investigate the complaint and require that DENR come into compliance with the law.

As you may know, Complainants and other community members in eastern North Carolina have complained to DENR about the adverse effects of the swine industry on their health and environment for years, to no avail. Today, Complainants ask that EPA take action.

We will be forwarding exhibits by separate email and, also, sending hard copies overnight by Federal Express to each of your offices. Of course, please let us know if these materials raise any question. We would welcome the opportunity to discuss the complaint.

Sincerely,

Jocelyn D'Ambrosio and Marianne Engelman Lado

Jocelyn D'Ambrosio
Associate Attorney
Earthjustice Northeast Office
48 Wall Street, 19th Floor
New York, New York 10005
T: 212-845-7385
F: 212-918-1556
earthjustice.org

<image001.gif>

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To: Packard, Elise[Packard.Elise@epa.gov]; O'Lone, Mary[OLone.Mary@epa.gov]
From: Rhodes, Julia
Sent: Tue 12/2/2014 10:46:11 PM
Subject: RE: REACH, Inc. (NC Title VI Complaint from Earthjustice)
REACH 11R-14-R4 Acceptance Letter - Draft (09 22 2014) jar.doc

In an effort to advance this, I have redlined the letter based on language that Mary had previously suggested to OCR. I never saw a response regarding whether OCR voice an opinion or preference about the options given.

Julia Rhodes

Assistant General Counsel for the Civil Rights Practice Group

Civil Rights and Finance Law Office

Office of General Counsel

Environmental Protection Agency

1200 Pennsylvania Avenue, NW, 2399A

Washington, DC 20460

Phone: 202.564.1417

From: Packard, Elise
Sent: Tuesday, December 02, 2014 5:37 PM
To: O'Lone, Mary; Rhodes, Julia
Subject: RE: REACH, Inc. (NC Title VI Complaint from Earthjustice)

I'm all for avoiding nightmares. I'm out tomorrow, how about Thursday?

Elise B. Packard

Associate General Counsel for Civil Rights and Finance

U.S. EPA Office of General Counsel, Rm. 7353C

(202) 564-7729

From: O'Lone, Mary
Sent: Tuesday, December 02, 2014 4:42 PM
To: Packard, Elise; Rhodes, Julia
Subject: Re: REACH, Inc. (NC Title VI Complaint from Earthjustice)

I hadn't had a chance to look at it yet. dealing with DEN calls. Seems like no need to look at it now.

Elise-

Ex. 5 - Deliberative Process/ Atty Client

Mary O'Lone
Civil Rights and Finance Law Office
Office of General Counsel
US EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
(202) 564-4992

From: Packard, Elise
Sent: Tuesday, December 2, 2014 4:12 PM
To: Rhodes, Julia; O'Lone, Mary
Subject: RE: REACH, Inc. (NC Title VI Complaint from Earthjustice)

Oh lordy.

Elise B. Packard

Associate General Counsel for Civil Rights and Finance

U.S. EPA Office of General Counsel, Rm. 7353C

(202) 564-7729

From: Rhodes, Julia

Sent: Tuesday, December 02, 2014 3:49 PM

To: Packard, Elise; O'Lone, Mary

Subject: RE: REACH, Inc. (NC Title VI Complaint from Earthjustice)

I raised with Helena yesterday the concept that OCR hasn't yet revised the letter to reflect the reframed issue. I think she is working on it, so I am confused by why V is forwarded the letter from 9/22.

Julia Rhodes

Assistant General Counsel for the Civil Rights Practice Group

Civil Rights and Finance Law Office

Office of General Counsel

Environmental Protection Agency

1200 Pennsylvania Avenue, NW, 2399A

Washington, DC 20460

Phone: 202.564.1417

From: Packard, Elise
Sent: Tuesday, December 02, 2014 3:25 PM
To: O'Lone, Mary; Rhodes, Julia
Subject: FW: REACH, Inc. (NC Title VI Complaint from Earthjustice)

Elise B. Packard

Associate General Counsel for Civil Rights and Finance

U.S. EPA Office of General Counsel, Rm. 7353C

(202) 564-7729

From: Golightly-Howell, Velveta
Sent: Tuesday, December 02, 2014 3:07 PM
To: Shenkman, Ethan
Cc: KeyesFleming, Gwendolyn; Packard, Elise
Subject: REACH, Inc. (NC Title VI Complaint from Earthjustice)

Hi Ethan. I hope that your day has gone well. Attached is the draft partial acceptance letter that we submitted to Gwen. No revisions were made to it. Thanks for agreeing to get the draft to Avi! Bye everyone.

Velveta

Velveta Golightly-Howell

Director, Office of Civil Rights

Environmental Protection Agency

1200 Pennsylvania Avenue, N.W.

Mail Code 1201A

Washington, DC 20460

202-564-6685

Message

From: Wooden-Aguilar, Helena [Wooden-Aguilar.Helena@epa.gov]
Sent: 12/1/2014 4:38:42 PM
To: O'Lone, Mary [OLone.Mary@epa.gov]
Subject: RE: Staff-Level Meetings - Advance Notice and Post-Meeting Highlights & REACH allegation note

Outta control

From: O'Lone, Mary
Sent: Monday, December 01, 2014 11:38 AM
To: Wooden-Aguilar, Helena
Subject: Re: Staff-Level Meetings - Advance Notice and Post-Meeting Highlights & REACH allegation note

sorry what does OC mean?

Mary O'Lone
Civil Rights and Finance Law Office
Office of General Counsel
US EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
(202) 564-4992

From: Wooden-Aguilar, Helena
Sent: Monday, December 1, 2014 11:18 AM
To: O'Lone, Mary
Subject: Re: Staff-Level Meetings - Advance Notice and Post-Meeting Highlights & REACH allegation note

Things are OC.

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Dec 1, 2014, at 8:19 AM, "O'Lone, Mary" <OLone.Mary@epa.gov> wrote:

What happened after I left. It seems all nutty.

Ex. 5 - Deliberative Process

Mary O'Lone
Civil Rights and Finance Law Office
Office of General Counsel
US EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
(202) 564-4992

From: Wooden-Aguilar, Helena

Sent: Tuesday, November 25, 2014 9:24 PM

To: O'Lone, Mary

Cc: Rhodes, Julia

Subject: Re: Staff-Level Meetings - Advance Notice and Post-Meeting Highlights & REACH allegation note

Thx Mary.

I will be sure to type up basic notes as she shared it with Gwen and John Reeder.

Helena Wooden-Aguilar

Assistant Director

External Civil Rights - US EPA

202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Nov 25, 2014, at 9:45 AM, "O'Lone, Mary" <OLone.Mary@epa.gov> wrote:

just noting that all she wants is highlights.

which is a good thing - won't have to be typing up copious notes.

short and sweet.

Ex. 5 - Deliberative Process/Atty Client

Ex. 5 - Deliberative Process/Atty Client

Mary O'Lone
Civil Rights and Finance Law Office
Office of General Counsel
US EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
(202) 564-4992

From: Wooden-Aguilar, Helena
Sent: Tuesday, November 25, 2014 8:15 AM
To: Rhodes, Julia; O'Lone, Mary
Subject: Fwd: Staff-Level Meetings - Advance Notice and Post-Meeting Highlights

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy
wooden-aguilar.helena@epa.gov

Begin forwarded message:

From: "Golightly-Howell, Velveta" <Golightly-Howell.Velveta@epa.gov>
Date: November 25, 2014 at 8:08:58 AM EST
To: "Wooden-Aguilar, Helena" <Wooden-Aguilar.Helena@epa.gov>
Subject: Staff-Level Meetings - Advance Notice and Post-Meeting Highlights

Good morning Helena. I hope that yours is starting well.

Ex. 5 - Deliberative Process

Do not hesitate to contact me w/any questions. Thanks.

Velveta

Message

From: Wooden-Aguilar, Helena [Wooden-Aguilar.Helena@epa.gov]
Sent: 12/1/2014 4:18:20 PM
To: O'Lone, Mary [OLone.Mary@epa.gov]
Subject: Re: Staff-Level Meetings - Advance Notice and Post-Meeting Highlights & REACH allegation note

Things are OC.

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

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What happened after I left. It seems all nutty.

Ex. 5 - Deliberative Process

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Wooden-Aguilar, Helena
Sent: Tuesday, November 25, 2014 9:24 PM
To: O'Lone, Mary
Cc: Rhodes, Julia
Subject: Re: Staff-Level Meetings - Advance Notice and Post-Meeting Highlights & REACH allegation note

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Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

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Ex. 5 - Deliberative Process/ Atty Client

Ex. 5 - Deliberative Process/ Atty Client

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Wooden-Aguilar, Helena

Sent: Tuesday, November 25, 2014 8:15 AM

To: Rhodes, Julia; O'Lone, Mary

Subject: Fwd: Staff-Level Meetings - Advance Notice and Post-Meeting Highlights

Helena Wooden-Aguilar

Assistant Director

External Civil Rights - US EPA

202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

Begin forwarded message:

From: "Golightly-Howell, Velveta" <Golightly-Howell.Velveta@epa.gov>

Date: November 25, 2014 at 8:08:58 AM EST

To: "Wooden-Aguilar, Helena" <Wooden-Aguilar.Helena@epa.gov>

Subject: Staff-Level Meetings - Advance Notice and Post-Meeting Highlights

Good morning Helena. I hope that yours is starting well.

Ex. 5 - Deliberative Process

Do not hesitate to contact me w/any questions. Thanks.

Velveta

Message

From: Wooden-Aguilar, Helena [Wooden-Aguilar.Helena@epa.gov]
Sent: 10/1/2014 4:31:25 PM
To: O'Lone, Mary [OLone.Mary@epa.gov]
Subject: Re: Professor Wing's TED talk on NC CAFOs

No word yet. What I heard was there was a desire to not seek clarification.

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Oct 1, 2014, at 11:44 AM, "O'Lone, Mary" <OLone.Mary@epa.gov> wrote:

any word on whether the letter Is going out?

should I try to smooth out the enforcement allegation paragraph per john or has the boat sailed?

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Wooden-Aguilar, Helena
Sent: Wednesday, October 1, 2014 11:22 AM
To: O'Lone, Mary; Covington, Jeryl; Farrell, Ericka
Subject: RE: Professor Wing's TED talk on NC CAFOs

Interesting. Thanks!

From: O'Lone, Mary
Sent: Wednesday, October 01, 2014 11:22 AM
To: Wooden-Aguilar, Helena; Covington, Jeryl; Farrell, Ericka
Subject: Professor Wing's TED talk on NC CAFOs

Ex. 5 - Deliberative Process

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Isales, Daniel

Sent: Wednesday, October 1, 2014 10:28 AM

To: O'Lone, Mary

Subject: FW: CAFOs

Daniel L. Isales

U.S. Environmental Protection Agency

Environmental Science Center

701 Mapes Road

Fort Meade, MD 20755-5350

(410) 305-3016

isales.daniel@epa.gov

From: Isales, Daniel
Sent: Monday, September 29, 2014 7:54 AM
To: Julia Rhodes
Subject: CAFOs

Julia,

I know the hog farms case has not even been accepted, but thought you might be interested in this video from a college professor regarding hog farms in NC. Obviously he is advocating a specific point of view, but may still be of interest. It is a relatively short video.

<http://tedxtalks.ted.com/video/Community-Health-Impacts-of-Fac>

Here is the related journal article:

<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2446444/>

Hope you are well, Dan

Daniel L. Isales

U.S. Environmental Protection Agency

Environmental Science Center

701 Mapes Road

Fort Meade, MD 20755-5350

(410) 305-3016

isales.daniel@epa.gov

Message

From: Wooden-Aguilar, Helena [Wooden-Aguilar.Helena@epa.gov]
Sent: 10/1/2014 4:26:44 PM
To: O'Lone, Mary [OLone.Mary@epa.gov]
Subject: Re: Professor Wing's TED talk on NC CAFOs

I am preparing that email message today. I will send a draft to you/Quoc.

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Oct 1, 2014, at 12:04 PM, "O'Lone, Mary" <OLone.Mary@epa.gov> wrote:

Also, did you have a chance to check whether there is a complete set of the exhibits in V's hard copy?

Did you let them know the electronic version was incomplete when you sent them the email that you'd get back to them?

I'd like to see what the missing declarations say.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Wooden-Aguilar, Helena
Sent: Wednesday, October 1, 2014 11:22 AM
To: O'Lone, Mary; Covington, Jeryl; Farrell, Ericka
Subject: RE: Professor Wing's TED talk on NC CAFOs

Interesting. Thanks!

From: O'Lone, Mary
Sent: Wednesday, October 01, 2014 11:22 AM
To: Wooden-Aguilar, Helena; Covington, Jeryl; Farrell, Ericka
Subject: Professor Wing's TED talk on NC CAFOs

Ex. 5 - Deliberative Process

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Ave., NW

Washington, DC 20460

(202) 564-4992

From: Isales, Daniel
Sent: Wednesday, October 1, 2014 10:28 AM
To: O'Lone, Mary
Subject: FW: CAFOs

Daniel L. Isales

U.S. Environmental Protection Agency

Environmental Science Center

701 Mapes Road

Fort Meade, MD 20755-5350

(410) 305-3016

isales.daniel@epa.gov

From: Isales, Daniel
Sent: Monday, September 29, 2014 7:54 AM
To: Julia Rhodes
Subject: CAFOs

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I know the hog farms case has not even been accepted, but thought you might be interested in this video from a college professor regarding hog farms in NC. Obviously he is advocating a specific point of view, but may still be of interest. It is a relatively short video.

<http://tedxtalks.ted.com/video/Community-Health-Impacts-of-Fac>

Here is the related journal article:

<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2446444/>

Hope you are well, Dan

Daniel L. Isales

U.S. Environmental Protection Agency

Environmental Science Center

701 Mapes Road

Fort Meade, MD 20755-5350

(410) 305-3016

isales.daniel@epa.gov

Message

From: Rhodes, Julia [Rhodes.Julia@epa.gov]
Sent: 9/29/2014 2:54:20 PM
To: O'Lone, Mary [OLone.Mary@epa.gov]
Subject: RE: REACH, Inc. (Complaint under Title VI of the Civil Rights Act of 1964)

Nope, just re: highlighting that this is not an optional request. We should alert Ethan to this.

Julia Rhodes
Assistant General Counsel for the Civil Rights Practice Group
Civil Rights and Finance Law Office
Office of General Counsel
Environmental Protection Agency
1200 Pennsylvania Avenue, NW, 2399A
Washington, DC 20460
Phone: 202.564.1417

From: O'Lone, Mary
Sent: Monday, September 29, 2014 8:50 AM
To: Rhodes, Julia
Subject: Fw: REACH, Inc. (Complaint under Title VI of the Civil Rights Act of 1964)

Think it is just a Freudian slip that only the last 3 are prefaced by if needed?

Mary O'Lone
Civil Rights and Finance Law Office
Office of General Counsel
US EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
(202) 564-4992

From: Neal, Daria (CRT) <Daria.Neal@usdoj.gov>
Sent: Friday, September 26, 2014 6:09 PM
To: Golightly-Howell, Velveta; Lareau, Alyssa (CRT)
Cc: Jang, Deeana (CRT); Fitzpatrick, Ryan (CRT); Wooden-Aguilar, Helena; Rhodes, Julia; O'Lone.Mary@epa.gov
Subject: RE: REACH, Inc. (Complaint under Title VI of the Civil Rights Act of 1964)

Hi Velveta,

Ex. 5 - Deliberative Process/ Atty Client

Ex. 5 - Deliberative Process/ Atty Client

Ex. 5 - Deliberative Process/ Atty Client

Have a good weekend.

Daria

From: Golightly-Howell, Velveta [<mailto:Golightly-Howell.Velveta@epa.gov>]
Sent: Wednesday, September 24, 2014 8:38 PM
To: Lareau, Alyssa (CRT); Neal, Daria (CRT)
Cc: Jang, Deeana (CRT); Fitzpatrick, Ryan (CRT); Wooden-Aguilar, Helena; Rhodes, Julia; O'Lone.Mary@epa.gov
Subject: REACH, Inc. (Complaint under Title VI of the Civil Rights Act of 1964)

Hi Alyssa and Daria. We appreciated your and Ryan meeting with us today. Daria, in response to my question, you

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

As she said, Helena will forward the info you requested ASAP.

Bye everyone.

Velveta

From: Lareau, Alyssa (CRT) <Alyssa.Lareau@usdoj.gov>
Sent: Tuesday, September 23, 2014 2:51:39 PM
To: Golightly-Howell, Velveta; Neal, Daria (CRT)
Cc: Jang, Deeana (CRT); Fitzpatrick, Ryan (CRT); Wooden-Aguilar, Helena; Wooden-Aguilar, Helena
Subject: RE: Complaint under Title VI of the Civil Rights Act of 1964

All,

We are looking forward to our phone discussion at noon tomorrow. Let's use the following call in information:

Ex. 6 - Personal Privacy

Let me know if you have any questions.

Alyssa

Alyssa C. Lareau
Attorney
Federal Coordination and Compliance Section
U.S. Department of Justice - Civil Rights Division

Direct: (202) 305-2994 [voice]
alyssa.lareau@usdoj.gov
<http://www.justice.gov/crt/about/cor/>

From: Golightly-Howell, Velveta [<mailto:Golightly-Howell.Velveta@epa.gov>]
Sent: Monday, September 22, 2014 5:28 PM
To: Neal, Daria (CRT)
Cc: Jang, Deeana (CRT); Lareau, Alyssa (CRT); Fitzpatrick, Ryan (CRT); Wooden-Aguilar, Helena; Wooden-Aguilar, Helena
Subject: RE: Complaint under Title VI of the Civil Rights Act of 1964

Hi Daria. While I'd welcome the opportunity to sit down with you all, I have a meeting with a regional official that's not scheduled to end until noon on the 24th. Take care.

Velveta

Velveta Golightly-Howell
Director, Office of Civil Rights
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Mail Code 1201A
Washington, DC 20460
202-564-6685

From: Neal, Daria (CRT) [<mailto:Daria.Neal@usdoj.gov>]
Sent: Monday, September 22, 2014 5:20 PM
To: Wooden-Aguilar, Helena
Cc: Golightly-Howell, Velveta; Jang, Deeana (CRT); Lareau, Alyssa (CRT); Fitzpatrick, Ryan (CRT)
Subject: RE: Complaint under Title VI of the Civil Rights Act of 1964

Hi Helena,
That works well for us. Would you prefer to meet in person or by phone? We can come to your office.

Daria

From: Wooden-Aguilar, Helena [<mailto:Wooden-Aguilar.Helena@epa.gov>]
Sent: Monday, September 22, 2014 3:08 PM
To: Neal, Daria (CRT)
Cc: Golightly-Howell, Velveta; Jang, Deeana (CRT); Lareau, Alyssa (CRT); Fitzpatrick, Ryan (CRT)
Subject: Re: Complaint under Title VI of the Civil Rights Act of 1964

Hi Daria

I am working on scheduling this meeting. How does the 24th at noon work for you and others at Justice?

Helena

Helena Wooden-Aguilar
Assistant Director

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

On Sep 18, 2014, at 12:49 PM, "Neal, Daria (CRT)" <Daria.Neal@usdoj.gov> wrote:

Hi Velveta and Helena,

Ex. 5 - Deliberative Process/Atty Client

Can you let us know some dates over the next two weeks that you are available to meet?

Also, we are missing some parts of the exhibits. If you have the following, can you please email them to us.:

- Vol I - Exs 1-26. The pdf stopped at Ex 6, sub-exhibit 11 (We have Ex. 6, the Declaration of Larry Baldwin and sub-exhibits 1-11 of that Declaration but not sub-exhibits 12-17 of that declaration). We are missing Exhibits 7-26 in their entirety.
- Ex 39 documents are very blurry. Did you all receive a clear copy?

Thank you so much.

Daria

From: Jocelyn D'Ambrosio [<mailto:jdambrosio@earthjustice.org>]

Sent: Wednesday, September 03, 2014 6:39 PM

To: 'mccarthy.gina@epa.gov'; 'Title_VI_Complaints@epa.gov'

Cc: 'wooden-aguilar.helena@epa.gov'; 'Tejada.matthew@epa.gov'; 'McTeertoney.heather@Epa.gov'; 'Halim-Chestnut.naima@Epa.gov'; Neal, Daria (CRT); 'tom.reeder@ncdenr.gov'; 'christine.lawson@ncdenr.gov'; naeema1951@gmail.com; 'djhall7@aol.com'; 'l Baldwin@waterkeeper.org'

Subject: Complaint under Title VI of the Civil Rights Act of 1964

Dear Administrator McCarthy and Ms. Golightly-Howell,

On March 7, 2014, the North Carolina Department of Environment and Natural Resources ("DENR") issued a general permit that allows industrial swine facilities in North Carolina to operate with grossly inadequate and outdated systems of controlling animal waste and little provision for government oversight, which has an unjustified disproportionate impact on the basis of race and national origin against African Americans, Latinos, and Native Americans in violation of Title VI of the Civil Rights Act of 1964 and EPA's implementing regulations.

North Carolina Environmental Justice Network, Rural Empowerment Association for Community Help, and Waterkeeper Alliance, Inc. ("Complainants") hereby submit the attached complaint against DENR and request that EPA investigate the complaint and require that DENR come into compliance with the law.

As you may know, Complainants and other community members in eastern North Carolina have complained to DENR about the adverse effects of the swine industry on their health and environment for years, to no avail. Today, Complainants ask that EPA take action.

We will be forwarding exhibits by separate email and, also, sending hard copies overnight by Federal Express to each of your offices. Of course, please let us know if these materials raise any question. We would welcome the opportunity to discuss the complaint.

Sincerely,

Jocelyn D'Ambrosio and Marianne Engelman Lado

Jocelyn D'Ambrosio
Associate Attorney
Earthjustice Northeast Office
48 Wall Street, 19th Floor
New York, New York 10005
T: 212-845-7385
F: 212-918-1556
earthjustice.org

<image001.gif>

The information contained in this email message may be privileged, confidential and protected from disclosure. If you are not the intended recipient, any dissemination, distribution or copying is strictly prohibited. If you think that you have received this email message in error, please notify the sender by reply email and delete the message and any attachments.

Message

From: Wooden-Aguilar, Helena [Wooden-Aguilar.Helena@epa.gov]
Sent: 9/23/2014 8:46:08 PM
To: Rhodes, Julia [Rhodes.Julia@epa.gov]; O'Lone, Mary [OLone.Mary@epa.gov]
Subject: Fwd: Complaint under Title VI of the Civil Rights Act of 1964

?

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

Begin forwarded message:

From: "Neal, Daria (CRT)" <Daria.Neal@usdoj.gov>
Date: September 23, 2014 at 4:21:27 PM EDT
To: "Wooden-Aguilar, Helena" <Wooden-Aguilar.Helena@epa.gov>, "Golightly-Howell, Velveta" <Golightly-Howell.Velveta@epa.gov>
Subject: RE: Complaint under Title VI of the Civil Rights Act of 1964

Are you all on track for making the 20 day window per the regs? And what would be that deadline? Thanks.

From: Wooden-Aguilar, Helena [<mailto:Wooden-Aguilar.Helena@epa.gov>]
Sent: Monday, September 22, 2014 8:21 PM
To: Neal, Daria (CRT)
Subject: Re: Complaint under Title VI of the Civil Rights Act of 1964

If you could come here that would be great. Just let me know what time you want to arrive.

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)
Ex. 6 - Personal Privacy
wooden-aguilar.helena@epa.gov

On Sep 22, 2014, at 5:20 PM, "Neal, Daria (CRT)" <Daria.Neal@usdoj.gov> wrote:

Hi Helena,
That works well for us. Would you prefer to meet in person or by phone? We can come to your office.

Daria

From: Wooden-Aguilar, Helena [<mailto:Wooden-Aguilar.Helena@epa.gov>]
Sent: Monday, September 22, 2014 3:08 PM

To: Neal, Daria (CRT)

Cc: Golightly-Howell, Velveta; Jang, Deeana (CRT); Lareau, Alyssa (CRT); Fitzpatrick, Ryan (CRT)

Subject: Re: Complaint under Title VI of the Civil Rights Act of 1964

Hi Daria

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Helena

Helena Wooden-Aguilar

Assistant Director

External Civil Rights - US EPA

202-564-0792 (office)

Ex. 6 - Personal Privacy

wooden-aguilar.helena@epa.gov

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Ex. 5 - Deliberative Process/Atty Client

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- <!--[if !supportLists]--><!--[endif]-->Vol I - Exs 1-26. The pdf stopped at Ex 6, sub-exhibit 11 (We have Ex. 6, the Declaration of Larry Baldwin and sub-exhibits 1-11 of that Declaration but not sub-exhibits 12-17 of that declaration). We are missing Exhibits 7-26 in their entirety.
- <!--[if !supportLists]--><!--[endif]-->Ex 39 documents are very blurry. Did you all receive a clear copy?

Thank you so much.

Daria

From: Jocelyn D'Ambrosio [<mailto:jdambrosio@earthjustice.org>]

Sent: Wednesday, September 03, 2014 6:39 PM

To: 'mccarthy.gina@epa.gov'; 'Title_VI_Complaints@epa.gov'

Cc: 'wooden-aguilar.helena@epa.gov'; 'Tejada.matthew@epa.gov';

'McTeertoney.heather@Epa.gov'; 'Halim-Chestnut.naima@Epa.gov';

Neal, Daria (CRT); 'tom.reeder@ncdenr.gov';
'christine.lawson@ncdenr.gov'; naeema1951@gmail.com;
'djhall7@aol.com'; 'lbaldwin@waterkeeper.org'
Subject: Complaint under Title VI of the Civil Rights Act of 1964

Dear Administrator McCarthy and Ms. Golightly-Howell,

On March 7, 2014, the North Carolina Department of Environment and Natural Resources ("DENR") issued a general permit that allows industrial swine facilities in North Carolina to operate with grossly inadequate and outdated systems of controlling animal waste and little provision for government oversight, which has an unjustified disproportionate impact on the basis of race and national origin against African Americans, Latinos, and Native Americans in violation of Title VI of the Civil Rights Act of 1964 and EPA's implementing regulations.

North Carolina Environmental Justice Network, Rural Empowerment Association for Community Help, and Waterkeeper Alliance, Inc. ("Complainants") hereby submit the attached complaint against DENR and request that EPA investigate the complaint and require that DENR come into compliance with the law.

As you may know, Complainants and other community members in eastern North Carolina have complained to DENR about the adverse effects of the swine industry on their health and environment for years, to no avail. Today, Complainants ask that EPA take action.

We will be forwarding exhibits by separate email and, also, sending hard copies overnight by Federal Express to each of your offices. Of course, please let us know if these materials raise any question. We would welcome the opportunity to discuss the complaint.

Sincerely,

Jocelyn D'Ambrosio and Marianne Engelman Lado

Jocelyn D'Ambrosio
Associate Attorney
Earthjustice Northeast Office
48 Wall Street, 19th Floor
New York, New York 10005
T: 212-845-7385
F: 212-918-1556
earthjustice.org

<image001.gif>

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Message

From: Nguyen, Quoc [Nguyen.Quoc@epa.gov]
Sent: 9/23/2014 8:13:31 PM
To: O'Lone, Mary [OLone.Mary@epa.gov]
Subject: RE: OCR won't send exhibits to complaint with accept/reject letter

That sounds like a good plan.

Quoc

-----Original Message-----

From: O'Lone, Mary
Sent: Tuesday, September 23, 2014 3:45 PM
To: Nguyen, Quoc
Cc: Rhodes, Julia
Subject: OCR won't send exhibits to complaint with accept/reject letter

QUOC-

Ex. 5 - Deliberative Process/Atty Client

Mary O'Lone
Civil Rights and Finance Law Office
Office of General Counsel
US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

-----Original Message-----

From: Wooden-Aguilar, Helena
Sent: Tuesday, September 23, 2014 1:34 PM
To: O'Lone, Mary
Subject: RE: Pre meeting for DOJ mtg on REACH complaint

~~Ericka is working on responding to your email.~~

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

So we are only sending the redacted complaint and Ericka is sending that along for your colleague to review.

-----Original Message-----

From: O'Lone, Mary
Sent: Tuesday, September 23, 2014 1:33 PM
To: Wooden-Aguilar, Helena
Subject: RE: Pre meeting for DOJ mtg on REACH complaint

You planning on sending the exhibits along with the redacted complaint when you send out the JR letter to NCDENR?

If so, GLO will need some time to review your proposed redactions.

Mary O'Lone
Civil Rights and Finance Law Office
Office of General Counsel
US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

-----Original Message-----

From: Wooden-Aguilar, Helena
Sent: Tuesday, September 23, 2014 1:31 PM

To: O'Lone, Mary
Cc: Rhodes, Julia; Covington, Jeryl; Farrell, Ericka
Subject: RE: Pre meeting for DOJ mtg on REACH complaint

Ericka is checking.

-----Original Message-----

From: O'Lone, Mary
Sent: Tuesday, September 23, 2014 1:14 PM
To: Wooden-Aguilar, Helena
Cc: Rhodes, Julia; Covington, Jeryl; Farrell, Ericka
Subject: RE: Pre meeting for DOJ mtg on REACH complaint

Ok, but we have a 3 pm. Maybe we use Ex. 6 - Personal Privacy conference call line so we don't lose time walking. Is that line free at 2:30?

Mary O'Lone
Civil Rights and Finance Law Office
Office of General Counsel
US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

-----Original Message-----

From: Wooden-Aguilar, Helena
Sent: Tuesday, September 23, 2014 1:05 PM
To: O'Lone, Mary
Cc: Rhodes, Julia; Covington, Jeryl; Farrell, Ericka
Subject: Re: Pre meeting for DOJ mtg on REACH complaint

I can do 2:35 pm.

Helena Wooden-Aguilar
Assistant Director
External Civil Rights - US EPA
202-564-0792 (office)
202-302-6846 (mobile)
wooden-aguilar.helena@epa.gov

> On Sep 23, 2014, at 12:44 PM, "O'Lone, Mary" <OLone.Mary@epa.gov> wrote:
>
> Helena can you do this time?
> We have Ethan at 3 & I think there is a Velveta pre-meeting for the DCRO meeting at 4
> We can try to get on V's calendar tomorrow for this after our pre-meeting.
>
> <meeting.ics>

Message

From: O'Lone, Mary [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6402E17D09FB4045A42AE0FA0406DB2B-O'LONE, MARY]
Sent: 12/6/2016 2:07:59 PM
To: Griffith, Emily [griffith.emily@epa.gov]
CC: Julia Rhodes (Rhodes.Julia@epa.gov) [Rhodes.Julia@epa.gov]
Subject: FW: North Carolina Legislative History
Attachments: NCDOJ Meaning of SB1080 Legal Opinions.pdf; North Carolina General Assembly - Senate Bill 1465 Information_History (2007).pdf; North Carolina General Assembly - House Bill 1254 Information_History (2007-.pdf; North Carolina General Assembly - Senate Bill 1080 Information_History (1995.pdf; North Carolina General Assembly - House Bill 515 Information_History (1997-1.pdf; Smithfield-Agreement.pdf

Emily-
That is great. Thanks so much.
Mary

Mary O'Lone
Civil Rights and Finance Law Office
Office of General Counsel
US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: Griffith, Emily
Sent: Wednesday, November 30, 2016 1:30 PM
To: O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: North Carolina Legislative History

Thank Mary, here's what I know:

The Library is located at 300 N Salisbury St. Raleigh NC 27603
Phone (919) 733-9390
Hours: M-F 8am-5pm Closed *Dec 23rd-27th.

The committee minutes are not a verbatim transcript, but provide a synopsis – they do often include memos and attachments that offer additional information on minutes.

Committee minutes on Legislation prior to 2007 is not available on print, it is available on micro film. **The micro film can be converted 1 page at a time to PDF files.** The librarian suggested that this process would take quite some time and recommends bringing a flash drive to save the files we want. There will be a librarian present during normal business hours to assist with this process, and there is no need to give advanced notice on which files we want access to. However, our rep. should come prepared with the procedural history to narrow down the search to specific dates and times; I have attached this information as PDFs for the relevant legislation.

I recommend we gather information on:

- 1) 1995 N.C. ALS 420 | Sess. Law 420 | SB 1080 Swine Farm Siting Act
- 2) 1997 N.C HB 515 | 1997 N.C. Sess. Laws 458 Clean Water Responsibility Act.
- 3) SL2007-0523 |SB1465 (Act to codify & make permanent the swine farm and animal waste management system performance standards)
- 4) 2007 HB 1254 Swine Farm Environmental Performance Standard Fund

Not direct leg. History, but perhaps the library also has access to:

- 5) If possible, locate the three (3) Memoranda indicated in NCDOJ letter on "the meaning of SB 1080" [attached]
- 6) If possible, locate additional information regarding the 2000 Smithfield's Agreement Act [attached] describing the N.C. Attorney General's position & purpose for entering into the voluntary survey of market feasibility of new waste disposal standards.

I hope this serves your request and an EPA rep. is able to get ahold of some good information!

Best,

Emily

From: O'Lone, Mary
Sent: Wednesday, November 30, 2016 10:58 AM
To: Griffith, Emily <griffith.emily@epa.gov>
Subject: RE: North Carolina Legislative History

I think they'll let her make copies, but I want to get an idea of how difficult it will be for her to get her hands on what we want.

Mary O'Lone
Civil Rights and Finance Law Office
Office of General Counsel
US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: Griffith, Emily
Sent: Wednesday, November 30, 2016 10:33 AM
To: O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: North Carolina Legislative History

Thanks Mary, I'll put together the list this morning. Very odd that it's not more accessible. I can't imagine they won't let her make copies but then again, I'm shocked its not otherwise available. I will call the library to confirm their location and hours, and ask if they will be allowed to make copies.

Best,

Emily

From: O'Lone, Mary
Sent: Wednesday, November 30, 2016 8:20 AM
To: Griffith, Emily <griffith.emily@epa.gov>
Subject: FW: North Carolina Legislative History

Emily-

If I were able to convince this woman to go to the library – could you get me as much information as possible to zero in on what we want?

Basically, is there a shopping list of legislative reports, etc.?

Can you call the legislative library & find out where it is & when it is open & how she'd go about getting the materials?

I'd like to be able to tell her all she has to do is take this list of documents or acts that we will give her & go to the front desk & ask for the legislative history for HB 123 or XYZ reports, etc. and they will find it for her & then she copies it. Or do you think she'll actually need to do research while she is there?

Thanks, Mary

Mary O'Lone
Civil Rights and Finance Law Office
Office of General Counsel
US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: O'Lone, Mary
Sent: Tuesday, November 29, 2016 5:48 PM
To: Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: North Carolina Legislative History

OK. I will ask Emily to gather as much information so we can be as specific as possible to help her zero in if she agrees to do it. But this stuff always takes longer than you think. I find it amazing you have to go there & nowhere else to get it. No university has a duplicate copy & it isn't electronic. Not big into open govt., I guess.

Mary O'Lone
Civil Rights and Finance Law Office
Office of General Counsel
US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: Packard, Elise
Sent: Tuesday, November 29, 2016 5:45 PM
To: O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: North Carolina Legislative History

Doesn't seem really time intensive. Why don't you call and ask? Worst she can do is say sorry I don't have time.

Elise B. Packard
Associate General Counsel for Civil Rights and Finance
U.S. EPA Office of General Counsel, Rm. 7353C
(202) 564-7729

From: O'Lone, Mary
Sent: Tuesday, November 29, 2016 5:42 PM
To: Packard, Elise <Packard.Elise@epa.gov>
Subject: RE: North Carolina Legislative History

Ex. 5 - Deliberative Process/ Atty Client

Ex. 5 - Deliberative Process/ Atty Client

Mary O'Lone
Civil Rights and Finance Law Office
Office of General Counsel
US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: Packard, Elise
Sent: Tuesday, November 29, 2016 5:31 PM
To: O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: North Carolina Legislative History

ARLO has someone, Karen Palmer.

Elise B. Packard
Associate General Counsel for Civil Rights and Finance
U.S. EPA Office of General Counsel, Rm. 7353C
(202) 564-7729

From: O'Lone, Mary
Sent: Tuesday, November 29, 2016 11:08 AM
To: Packard, Elise <Packard.Elise@epa.gov>
Subject: FW: North Carolina Legislative History

Does OGC have someone in RTP or is it that Sean just travels there periodically?

Mary O'Lone
Civil Rights and Finance Law Office
Office of General Counsel
US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

From: Turley, Jennifer
Sent: Tuesday, November 29, 2016 9:56 AM
To: Griffith, Emily <griffith.emily@epa.gov>
Cc: O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: North Carolina Legislative History

Hi Emily,

Sorry for the delay in following up on your request. I heard back from the EPA RTP Library and they are not equipped to assist with off-site visits to fulfill requests of this nature. They suggested contacting a local EPA employee affiliated with your OGC office who would be able to conduct the onsite searching required.

Please let me know if you have any questions, or need anything else.

Thanks,
Jennifer

Jennifer Turley
Law Librarian
ASRC Primus (Contractor)
OGC Law Library
US EPA Headquarters, Washington, DC
202-564-3971
turley.jennifer@epa.gov

Tell us how we're doing - rate our customer service!
<http://www.surveymonkey.com/s/epalibsurvey>

From: Griffith, Emily
Sent: Wednesday, November 16, 2016 2:13 PM
To: Turley, Jennifer <Turley.Jennifer@epa.gov>
Cc: O'Lone, Mary <OLone.Mary@epa.gov>
Subject: North Carolina Legislative History

Good Afternoon Jennifer,

Thank you for your assistance with this inquiry.

As we discussed over the phone I am looking for the legislative history & background materials for:

[North Carolina]

1995: North Carolina Senate Bill 1080, the Swine Farm Siting Act
1997: The Clean Water Responsibility Act, part of Bill 515
2007: S.B. 1465

I have looked through Lexis and Westlaw, but have not had much luck.

Each of these Acts are available at <http://www.ncleg.net/>, however I have not been able to locate committee minutes through this site.

As indicated on the N.C. Legislation library <http://www.ncleg.net/library/LegHistMaterials/leghistmaterials.html> my understanding is that these records exist but are not currently online.

I appreciate your assistance with this matter, and look forward to connecting further.

Sincerely,

Emily Griffith
Law Clerk
OGC CRFLO

Message

From: O'Lone, Mary [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6402E17D09FB4045A42AE0FA0406DB2B-O'LONE, MARY]
Sent: 1/11/2017 3:15:50 PM
To: Wilson, Adam [wilson.adam@epa.gov]
Subject: RE: we have a 12 meeting with Avi to go over the REACH letter
Attachments: draft REACH LOC to NC DEQ 1.11.2017.docx

Ex. 5 - Deliberative Process/ Atty Client

From: Wilson, Adam
Sent: Wednesday, January 11, 2017 9:49 AM
To: O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: we have a 12 meeting with Avi to go over the REACH letter

Mary, just in case your computer's microphone isn't working well, do you have headphones with a built-in mic?

From: O'Lone, Mary
Sent: Wednesday, January 11, 2017 9:42 AM
To: Packard, Elise <Packard.Elise@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>
Subject: FW: we have a 12 meeting with Avi to go over the REACH letter

Elise & Adam-

I think you are going to try to Skype me into the REACH meeting with Avi.
Dan doesn't have Skype, so he will need to be hooked in by phone.
Here is his number. Thanks, Mary

From: Isales, Daniel
Sent: Wednesday, January 11, 2017 9:28 AM
To: O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: we have a 12 meeting with Avi to go over the REACH letter

Sure-working from home- Ex. 6 - Personal Privacy Thanks, Dan

Daniel L. Isales (3RC60)
United States Environmental Protection Agency, Region III
Environmental Science Center
701 Mapes Road
Fort Meade, Maryland 20755-5350

(410) 305-3016
Isales.daniel@epa.gov

From: O'Lone, Mary
Sent: Wednesday, January 11, 2017 9:26 AM
To: Isales, Daniel <Isales.Daniel@epa.gov>
Subject: we have a 12 meeting with Avi to go over the REACH letter

Are you available?
Which phone number?

Thanks, Mary

Mary M. O'Lone
Civil Rights and Finance Law Office
Office of General Counsel, US EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460
(202) 564-4992

Message

From: O'Lone, Mary [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6402E17D09FB4045A42AE0FA0406DB2B-O'LONE, MARY]
Sent: 1/10/2017 10:08:40 PM
To: Lackey, Leila [Lackey.Leila@epa.gov]
Subject: RE: NEED YOUR ASSISTANCE WITH URGENT REVIEW OF DRAFT LETTER OF CONCERN TO NC DEQ RE HOG OPERATIONS CIVIL RIGHTS CASE

That is fine. Let me send you OAR's comments – they want a word change in the part where we describe what you said.

From: Lackey, Leila
Sent: Tuesday, January 10, 2017 5:07 PM
To: O'Lone, Mary <OLone.Mary@epa.gov>
Cc: Isales, Daniel <Isales.Daniel@epa.gov>; Fegley, Robert <Fegley.Robert@epa.gov>
Subject: RE: NEED YOUR ASSISTANCE WITH URGENT REVIEW OF DRAFT LETTER OF CONCERN TO NC DEQ RE HOG OPERATIONS CIVIL RIGHTS CASE

Hi Mary,

I haven't yet been able to connect with the people I need to on our end. They should be in the office tomorrow so I hope to get back to you as soon as possible.

Best,
Leila

From: O'Lone, Mary
Sent: Tuesday, January 10, 2017 3:26 PM
To: Lackey, Leila <Lackey.Leila@epa.gov>; Fegley, Robert <Fegley.Robert@epa.gov>
Cc: Isales, Daniel <Isales.Daniel@epa.gov>
Subject: FW: NEED YOUR ASSISTANCE WITH URGENT REVIEW OF DRAFT LETTER OF CONCERN TO NC DEQ RE HOG OPERATIONS CIVIL RIGHTS CASE

Leila-

Ex. 5 - Deliberative Process/ Atty Client

Thanks, Mary

From: Dorka, Lilian
Sent: Tuesday, January 10, 2017 10:49 AM
To: Robbins, Chris <Robbins.Chris@epa.gov>
Cc: Kavlock, Robert <Kavlock.Robert@epa.gov>; Hauchman, Fred <hauchman.fred@epa.gov>; Fegley, Robert

<Fegley.Robert@epa.gov>; Deener, Kathleen <Deener.Kathleen@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>

Subject: RE: NEED YOUR ASSISTANCE WITH URGENT REVIEW OF DRAFT LETTER OF CONCERN TO NC DEQ RE HOG OPERATIONS CIVIL RIGHTS CASE

Thanks so much for all of your help ORD colleagues!!

From: Robbins, Chris

Sent: Tuesday, January 10, 2017 10:39 AM

To: Dorka, Lilian <Dorka.Lilian@epa.gov>

Cc: Kavlock, Robert <Kavlock.Robert@epa.gov>; Hauchman, Fred <hauchman.fred@epa.gov>; Fegley, Robert <Fegley.Robert@epa.gov>; Deener, Kathleen <Deener.Kathleen@epa.gov>

Subject: RE: NEED YOUR ASSISTANCE WITH URGENT REVIEW OF DRAFT LETTER OF CONCERN TO NC DEQ RE HOG OPERATIONS CIVIL RIGHTS CASE

Hi Lilian,

Attached please find an updated version in response to the questions you raised. Please let us know if you need any additional information. Thanks!

Chris

Chris Robbins

Deputy Assistant Administrator for Management (Acting)

Office of Research and Development

/919) 541-0605

Ex. 6 - Personal Privacy

robbins.chris@epa.gov

From: Dorka, Lilian

Sent: Thursday, January 05, 2017 6:22 PM

To: Shaw, Betsy <Shaw.Betsy@epa.gov>; Robbins, Chris <Robbins.Chris@epa.gov>; Shapiro, Mike <Shapiro.Mike@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Breen, Barry <Breen.Barry@epa.gov>

Cc: Garbow, Avi <Garbow.Avi@epa.gov>; Shenkman, Ethan <Shenkman.Ethan@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Lapierre, Kenneth <Lapierre.Kenneth@epa.gov>

Subject: NEED YOUR ASSISTANCE WITH URGENT REVIEW OF DRAFT LETTER OF CONCERN TO NC DEQ RE HOG OPERATIONS CIVIL RIGHTS CASE

Importance: High

Hello ORD, OECA, OW, OAR and OLEM Colleagues,

Happy new year and best wishes for 2017! Thank you all so much for all of the assistance you have already provided on this on this high priority case involving NC DEQ's administration of the swine feeding operations in their state.

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

We very much appreciate your help! If you have any questions, please let me or Mary O'Lone know how we can help. Thanks so much!

Lilian

To: Dorka, Lilian[Dorka.Lilian@epa.gov]; Farrell, Ericka[Farrell.Ericka@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]
Cc: Temple, Kurt[Temple.Kurt@epa.gov]; Isales, Daniel[Isales.Daniel@epa.gov]; Adam Wilson (wilson.adam@epa.gov)[wilson.adam@epa.gov]; Johahna Johnson (Johnson.Johahna@epa.gov)[Johnson.Johahna@epa.gov]
From: O'Lone, Mary
Sent: Wed 11/30/2016 7:12:38 PM
Subject: FW: PRIVILEGED AND CONFIDENTIAL - Sampson county pix
[hog farm evidence and landfill 003 \(002\).jpg](#)
[hog farm evidence and landfill 168 \(002\).jpg](#)
[Sampson County landfill and CAFOS 2.jpg](#)
[Sampson landfill and CAFOS.jpg](#)
[Sampson County landfill and CAFOS with sprayer.jpg](#)

Lilian, Ericka, & Jeryl,

FYI.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Haddix, Elizabeth McLaughlin [mailto:emclaugh@email.unc.edu]
Sent: Wednesday, November 30, 2016 12:21 PM
To: O'Lone, Mary <OLone.Mary@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>
Cc: Ducharme, Brent <ducharme@email.unc.edu>; Marianne Engelman Lado (mengelmanlado@earthjustice.org) <mengelmanlado@earthjustice.org>
Subject: PRIVILEGED AND CONFIDENTIAL - Sampson county pix

Dear Mary and Dan,

Attached are photos from the regional landfill and adjacent low CAFOs owned by Smithfield that are all located

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy These are from the unincorporated town of Snow Hill, an historic predominantly African-American community in the ETJ of the town of Roseboro, NC.

Please let me know if you have questions about the attached.

Thanks,

Elizabeth

Elizabeth Haddix

Senior Staff Attorney

UNC Center for Civil Rights

323 West Barbee Chapel Rd.

Chapel Hill, NC 27517

Tel. 919.445.0176

Fax 919.843.6748

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To: Tommelleo, Nancy[Tommelleo.Nancy@epa.gov]
From: O'Lone, Mary
Sent: Mon 10/3/2016 6:27:44 PM
Subject: RE: REACH - request to set up call with R4 water folks

Great thanks.

I have forwarded the list to OCR to set up the meeting.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Tommelleo, Nancy
Sent: Monday, October 03, 2016 1:13 PM
To: O'Lone, Mary <OLone.Mary@epa.gov>
Cc: Tommelleo, Nancy <Tommelleo.Nancy@epa.gov>
Subject: RE: REACH - request to set up call with R4 water folks

Mary:

Here is a list of regional folks (15) that would want to participate in the staff level call on what the Region is currently doing in NC if you want to a Calendar Invite. They cover water, Air, EJ, enforcement, some of my legal folks, and OCR. They reflect a combination of staff and managers. My contact for helping set up the VTC (once you decide on date/time) is Angela Cameron (404-562-8492).

Water:

Denise Diaz

Tom McGill

Cesar Zapata

Dan O'lonc

Don Joe

Jim Giattina

EJ

Denise Tennessee

Enforcement

Scott Gordon

Air

Carol Kemker

Legal

Nancy Tommelleo

Carol Baschon

Paul Schwartz

Kim A. Jones

OCR

Ken Lapierre

Naima Halim-Chestnut

Also, you may know this, but OAQPS has been doing some emission inventory work in NC. The OAQPS contact for this is Richard (Chet) Wheylan.

Let me know date/times for the VTC.

Thanks

Nancy



Nancy L. Tommelleo

Deputy Regional Counsel

United States Environmental Protection Agency

Region 4

61 Forsyth Street, S.W.

Atlanta, Georgia 30303

tel: 404.562.9571

fax: 404.562.9663

tommelleo.nancy@epa.gov

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From: O'Lone, Mary

Sent: Wednesday, September 14, 2016 4:28 PM

To: Tommelleo, Nancy <Tommelleo.Nancy@epa.gov>

Subject: RE: REACH - request to set up call with R4 water folks

Nancy-

Ex. 5 - Deliberative Process

Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Tommelleo, Nancy
Sent: Wednesday, September 14, 2016 3:52 PM
To: O'Lone, Mary <OLone.Mary@epa.gov>
Subject: RE: REACH - request to set up call with R4 water folks

Mary: would be on this call from HQ? and is this the call that Lilian wanted to have with our Division Director level people?



Nancy L. Tommelleo

Deputy Regional Counsel

United States Environmental Protection Agency

Region 4

61 Forsyth Street, S.W.

Atlanta, Georgia 30303

tel: 404.562.9571

fax: 404.562.9663

tommelleo.nancy@epa.gov

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message in error, please notify the sender immediately by email and delete all copies of this message.

From: O'Lone, Mary

Sent: Wednesday, September 14, 2016 3:00 PM

To: Tommelleo, Nancy <Tommelleo.Nancy@epa.gov>

Cc: Isales, Daniel <Isales.Daniel@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>

Subject: REACH - request to set up call with R4 water folks

Nancy-

Ex. 5 - Deliberative Process

Let me know if I should send out and invite & to whom I should send it. Or if you want to set it up. Thanks, Mary

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

Message

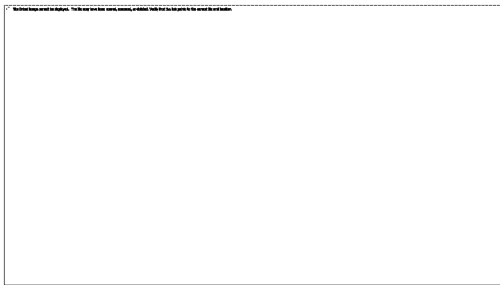
From: O'Lone, Mary [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6402E17D09FB4045A42AE0FA0406DB2B-O'LONE, MARY]
Sent: 6/2/2016 1:53:38 PM
To: Packard, Elise [Packard.Elise@epa.gov]; Shenkman, Ethan [Shenkman.Ethan@epa.gov]
Subject: REACH Dr. Wing's & Dr. Johnston's updated disparity
Attachments: 2016.05.26 DECLARATION OF STEVE WING Final 2015-10-21-signed.pdf; 2016.05.26 WINGCV2015Feb12.pdf; 2016.05.26 WingJohnston-TitleVI-Discriminatory-Impact-2015-10-19-FINAL.pdf

Ethan & Elise-

FYI. I have also attached Dr. Wing's declaration & CV.

I think I probably sent this to you a long time ago. It is Dr. Wing's 10 minute TEDx talk which provides a good overview of the issues that they are raising <https://www.youtube.com/watch?v=7ZW8-LQftnY>.

Thanks, Mary



Community health impacts of factory farms: Steve Wing at ...

[www.youtube.com](https://www.youtube.com/watch?v=7ZW8-LQftnY)

Steve Wing received his Ph.D. in epidemiology from The University of North Carolina at Chapel Hill where he is currently an associate professor. Recent work ...

Mary O'Lone
Civil Rights and Finance Law Office
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Washington, DC 20460
(202) 564-4992

Message

From: O'Lone, Mary [OLone.Mary@epa.gov]
Sent: 6/1/2016 10:07:07 PM
To: Lareau, Alyssa (CRT) [Alyssa.Lareau@usdoj.gov]
Subject: Re: REACH draft RFI 5 272016 to DOJ with FCS comments

Did I acknowledge that I got this? Well I did.
I will look at it tomorrow.

I have some intel on NC DEQ I can pass along.
I am around tomorrow & Friday.
Give me a call when you have a minute -- or have Laurie call or whomever

Mary O'Lone
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From: Lareau, Alyssa (CRT) <Alyssa.Lareau@usdoj.gov>
Sent: Friday, May 27, 2016 6:06:57 PM
To: O'Lone, Mary
Subject: REACH draft RFI 5 272016 to DOJ with FCS comments

Ex. 5 - Deliberative Process/Atty Client

Alyssa

Message

From: O'Lone, Mary [OLone.Mary@epa.gov]
Sent: 5/23/2016 1:28:59 PM
To: Burden, Frances (CRT) [Frances.Burden@usdoj.gov]; Lareau, Alyssa (CRT) [Alyssa.Lareau@usdoj.gov]
Subject: Re: NC EJ Network Title VI Complaint: Supplement

ok, I am going to send you all the invite.
I am going based on her email that said she'd be available after 4 on Thursday.

Mary O'Lone
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1200 Pennsylvania Ave., NW
Washington, DC 20460
(202) 564-4992

From: Burden, Frances (CRT) <Frances.Burden@usdoj.gov>
Sent: Monday, May 23, 2016 9:13:47 AM
To: O'Lone, Mary; Lareau, Alyssa (CRT)
Subject: RE: NC EJ Network Title VI Complaint: Supplement

That works well for my schedule – Alyssa is on a site visit, so her response may be a little delayed.

All best,
Frances

From: O'Lone, Mary [mailto:OLone.Mary@epa.gov]
Sent: Monday, May 23, 2016 8:58 AM
To: Lareau, Alyssa (CRT); Burden, Frances (CRT)
Subject: Re: NC EJ Network Title VI Complaint: Supplement

how about 4:30 on Thursday?
Can you all do that time?

Mary O'Lone
Civil Rights and Finance Law Office
Office of General Counsel
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1200 Pennsylvania Ave., NW
Washington, DC 20460
(202) 564-4992

From: Lareau, Alyssa (CRT) <Alyssa.Lareau@usdoj.gov>
Sent: Friday, May 20, 2016 7:30:12 PM
To: Burden, Frances (CRT)
Cc: O'Lone, Mary
Subject: Re: NC EJ Network Title VI Complaint: Supplement

Mary - I could do after 2 on Wednesday. Laurie may also start to help a bit on this and she is only free until 330. We could also push it to Thursday if need be. I am pretty open Thursday morning and in the afternoon after 4.

On May 20, 2016, at 8:55 AM, Burden, Frances (CRT) <Frances.Burden@crt.usdoj.gov> wrote:

Yes, I have a Wednesday meeting from 1 to 2 PM, but I'm otherwise free anytime that day.

All best,
Frances

On May 19, 2016, at 7:24 PM, Lareau, Alyssa (CRT) <Alyssa.Lareau@crt.usdoj.gov> wrote:

Mary,

Update – looks like I am going to be on unexpected work travel on Monday and Tuesday. Is there any way we can do Wednesday? I think both Frances and I are free for a call on Wednesday anytime except 1-2. Frances, is that right? Apologies for my change of plans.

Alyssa

From: Lareau, Alyssa (CRT)
Sent: Wednesday, May 18, 2016 5:23 PM
To: 'O'Lone, Mary'; Goldschmidt, Iris (CRT); Neal, Daria (CRT); Burden, Frances (CRT)
Cc: Johnson, Johanna; Farrell, Ericka; Covington, Jeryl
Subject: RE: NC EJ Network Title VI Complaint: Supplement

Right now it looks like folks on this end are free Tuesday between 11 am and 1:00 pm and again from 2:30 pm to 5:00 pm. If any window in that period works for you let me know and we will hold it on our schedules.

From: O'Lone, Mary [<mailto:OLone.Mary@epa.gov>]
Sent: Tuesday, May 17, 2016 4:47 PM
To: Lareau, Alyssa (CRT); Goldschmidt, Iris (CRT); Neal, Daria (CRT); Burden, Frances (CRT)
Cc: Johnson, Johanna; Farrell, Ericka; Covington, Jeryl
Subject: Re: NC EJ Network Title VI Complaint: Supplement

My office is at an out of office retreat tomorrow & I am already pretty booked up on Thursday & out on Friday. How does early next week look?

Ex. 5 - Deliberative Process/Atty Client

Mary O'Lone
Civil Rights and Finance Law Office
Office of General Counsel
US EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
(202) 564-4992

From: Lareau, Alyssa (CRT) <Alyssa.Lareau@usdoj.gov>
Sent: Tuesday, May 17, 2016 4:38 PM
To: O'Lone, Mary; Goldschmidt, Iris (CRT); Neal, Daria (CRT); Burden, Frances (CRT)

Cc: Johnson, Johahna; Farrell, Ericka; Covington, Jeryl
Subject: RE: NC EJ Network Title VI Complaint: Supplement

Mary,

Frances and I are available to chat on behalf of FCS on Thursday anytime after 2:30 pm or Friday anytime after 11:30 am.

Alyssa

From: O'Lone, Mary [<mailto:OLone.Mary@epa.gov>]
Sent: Thursday, May 12, 2016 12:29 PM
To: Lareau, Alyssa (CRT); Goldschmidt, Iris (CRT); Neal, Daria (CRT); Burden, Frances (CRT)
Cc: Johnson, Johahna; Farrell, Ericka; Covington, Jeryl
Subject: Fw: NC EJ Network Title VI Complaint: Supplement

All-

Ex. 5 - Deliberative Process/Atty Client

We can set up a short call to give you a thumbnail of other items discussed. Give us some dates & times next week (but not Wednesday).

Mary O'Lone
Civil Rights and Finance Law Office
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US EPA
1200 Pennsylvania Ave., NW
Washington, DC 20460
(202) 564-4992

From: Covington, Jeryl
Sent: Wednesday, May 11, 2016 3:40 PM

To: Farrell, Ericka; O'Lone, Mary; Johnson, Johanna
Subject: FW: NC EJ Network Title VI Complaint: Supplement

FYI-April 12, 2016 supplementary submission to OCR.

From: Alexis Andiman [<mailto:aandiman@earthjustice.org>]
Sent: Wednesday, May 11, 2016 3:36 PM
To: Covington, Jeryl <Covington.Jeryl@epa.gov>
Cc: Alok Disa <adis@earthjustice.org>; Marianne Engelman Lado <mengelmanlado@earthjustice.org>
Subject: FW: NC EJ Network Title VI Complaint: Supplement

Please see our April 12 supplement to EPA File Number 11R-14-R4 below.

From: Marianne Engelman Lado
Sent: Tuesday, April 12, 2016 1:43 PM
To: Dorka, Lilian (Dorka.Lilian@epa.gov); Golightly-Howell, Velveta
Cc: Haddix, Elizabeth McLaughlin (emclaugh@email.unc.edu); Alexis Andiman
Subject: NC EJ Network Title VI Complaint: Supplement

Subject: Record Supplement, 11R-14-R4

Dear Ms. Golightly-Howell and Ms. Dorka,

On behalf of North Carolina Environmental Justice Network, Rural Empowerment Association for Community Help and Waterkeeper Alliance, Earthjustice is submitting the attached documents to supplement the record in our September 3, 2014 complaint against the North Carolina Department of Environment and Natural Resources (now North Carolina Department of Environmental Quality), EPA File Number 11R-14-R4.

Please do not hesitate to contact me if you have any question.

I have spoken with Ms. Dorka recently about setting a time for the Office of Civil Rights to interview Dr. Steve Wing, whose report and declaration are included in this supplement. We have renewed this request multiple times over the last year. In order to move the process forward quickly, Ms. Dorka and I talked within the last two weeks about the possibility that I might offer some dates on which Dr. Wing might be available.

Ex. 6 - Personal Privacy

Ex. 6 - Personal Privacy

I am cc'ing both Elizabeth Haddix from the UNC School of Law, Center for Civil Rights, and my colleague Alexis Andiman, who are both also representing complainants in this matter.

We will send a courtesy copy of this supplement in hard copy form.

Thank you,

Marianne Engelman Lado
Senior Staff Attorney
Earthjustice Northeast Office

48 Wall Street, 19th Floor
New York, New York 10005
T: 212-845-7393 (direct)
F: 212-918-1556
earthjustice.org

<image001.gif>

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Message

From: O'Lone, Mary [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=6402E17D09FB4045A42AE0FA0406DB2B-O'LONE, MARY]
Sent: 11/30/2016 3:05:51 PM
To: Isales, Daniel [Isales.Daniel@epa.gov]
Subject: FW: Interview with NC Waterkeepers (REACH Complaint)
Attachments: 11-16-16 Garysburg RD Spraying.pdf; 11-16-16 Garysburg RD with text.pdf; 11-16-16 Garysburg Sprayfield 2.pdf; 11-16-16 Garysburg Sprayfield 3.pdf; 11-16-16 RD Garysburg Edge of Sprayfield.pdf; 11-16-16 RD Garysburg Pooling 2.pdf; 11-16-16 RD Garysburg Pooling 3.pdf; 11-16-16 RD Garysburg Pooling.pdf; 11-16-16 RD Garysburg Sprayfield.pdf; 11-16-16 RD Garysburg Spraying 2.pdf; 11-16-16 RD Truck & Lagoon.pdf

FYI. I am going to forward these photos & Marianne's email from yesterday to Naima, Cynthia, & Connie & R4 water enforcement as FYI.

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(202) 564-4992

From: Marianne Engelman Lado [mailto:mengelmanlado@earthjustice.org]
Sent: Wednesday, November 30, 2016 8:56 AM
To: Isales, Daniel <Isales.Daniel@epa.gov>
Cc: 'Haddix, Elizabeth McLaughlin (emclaugh@email.unc.edu)' <emclaugh@email.unc.edu>; 'Ducharme, Brent' <ducharme@email.unc.edu>; Alexis Andiman <aandiman@earthjustice.org>; O'Lone, Mary <OLone.Mary@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>
Subject: RE: Interview with NC Waterkeepers (REACH Complaint)

Daniel,

We're confirmed for Friday from 1-3.

Attached please find the photos. Please confirm receipt.

We look forward to receiving the call-in number, as well.

Thanks,

Marianne

Marianne Engelman Lado
Senior Staff Attorney
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F: 212.918.1556
earthjustice.org

Note: Starting January 1, 2017, I'll be launching a new environmental justice clinic at Yale Law School. Please feel free to reach me at Yale, by cell at 917 608-2053, or by email, marianne.lado@gmail.com.



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From: Isales, Daniel [<mailto:Isales.Daniel@epa.gov>]
Sent: Tuesday, November 29, 2016 1:39 PM
To: Marianne Engelman Lado
Cc: 'Haddix, Elizabeth McLaughlin (emclaugh@email.unc.edu)'; 'Ducharme, Brent'; Alexis Andiman; O'Lone, Mary; Dorka, Lilian; Covington, Jeryl; Farrell, Ericka
Subject: RE: Interview with NC Waterkeepers (REACH Complaint)

Marianne,

Thank you very much for making the arrangements on short notice-we look forward to talking to you this Friday, 12/2/16, from 1-3PM. We will make the arrangements for the conference call bridge as we intend to record it, if possible (if you have any objection to it being recorded, please let us know). As soon as we have the call-in information, we will send a follow up email.

I had one follow up request regarding your note below-I did not receive the photographs taken by Mr. Dove as an attachment to your email-could you please resend them at your earliest convenience.

Thank you very much, Daniel

Daniel L. Isales (3RC60)
United States Environmental Protection Agency, Region III
Environmental Science Center
701 Mapes Road
Fort Meade, Maryland 20755-5350

(410) 305-3016
Isales.daniel@epa.gov

From: Marianne Engelman Lado [<mailto:mengelmanlado@earthjustice.org>]
Sent: Monday, November 28, 2016 5:32 PM
To: Isales, Daniel <Isales.Daniel@epa.gov>
Cc: 'Haddix, Elizabeth McLaughlin (emclaugh@email.unc.edu)' <emclaugh@email.unc.edu>; 'Ducharme, Brent' <ducharme@email.unc.edu>; Alexis Andiman <aandiman@earthjustice.org>; O'Lone, Mary <OLone.Mary@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Farrell, Ericka <Farrell.Ericka@epa.gov>
Subject: Interview with NC Waterkeepers (REACH Complaint)

Daniel,

Thanks for your email requesting information and times for a telephonic interview with Waterkeeper representatives and North Carolina Riverkeepers ("Waterkeepers").

As you know, juggling schedules in short order can be a challenge, but most of the Waterkeepers can make a call this Friday from 1-3. We're hoping that this time might work for you.

Please let us know and we can confirm the time.

As you know, Larry Baldwin, who was for many years the Lower Neuse Riverkeeper, spent five years as the North Carolina CAFO Coordinator, and is now the Crystal Coast Waterkeeper, previously submitted a declaration in support of the Complaint. His declaration was attached to the Complaint as Exhibit 6. In the declaration, Mr. Baldwin describes his experience monitoring and testing waters to determine the concentration of nutrients and bacteria from sources of industrial hog operations and other sources of waste in the water, a role played by each of the Waterkeepers who will join the call. The Waterkeepers also monitor industrial hog operations from the air, file and follow up on complaints with DEQ, and have generally worked together with community members to protect the waterways of North Carolina. Mr. Baldwin's declaration was also accompanied by multiple photographs and sample water monitoring reports, as well as an unpublished report on Stocking Head Creek by Michael A. Mallin, dated Jan. 28, 2014.

Over time, the Waterkeepers have documented the impact of the operation of industrial swine facilities under the state general permit and, also, the cumulative impacts of swine and poultry waste in eastern North Carolina waterways. We hesitate to send any additional information, given our belief that OCR has more than sufficient evidence to make a finding of discrimination under Title VI and EPA regulations and issue preliminary findings and recommendations. The information attached to and in the body of this email is sent as a supplement in preparation for the interview with the Waterkeepers, with the hope that OCR will be able to discuss this material during the call.

First, attached to this email please find a set of photographs taken by former Neuse Riverkeeper Rick Dove. After the site visit to Garysburg, Mr. Dove noticed unusual activity involving tanker trucks in connection with a swine facility. The next day, on November 16, 2016, he arranged to fly over the facility, concerned that he had seen an effort to draw down lagoon levels in violation of state permitting requirements. Mr. Dove was able to capture an image of the lagoon and trucks, and took other photographs that appear to show a center pivot sprayer land-applying waste onto fields with ponded water, which appear saturated. Waterkeeper reported this potential violation to DEQ, which followed up and issued a notice of violation. Had Mr. Dove not been present, noticed the unusual activity, and arranged for a flyover, however, it is highly unlikely that this violation would have been noticed or addressed by DEQ.

Second, Will Hendrick will be available to speak about the series of videos that were recently released by Waterkeeper Alliance and North Carolina Riverkeepers capturing the struggle of community members living with the impacts of industrial animal production. Together, Waterkeeper Alliance and its North Carolina counterparts present first-hand accounts of community members, scientific experts and others on the ground, showing the impacts of animal product to public health, quality of life, and local waterways. The nine short videos are listed below:

- "The True Cost of Industrial Meat Production" -- An overview of what is happening in North Carolina, where industrial animal production has taken the place of family farms.
- "Wasting Away" -- Highlights the problem of industrial animal waste and how the pork industry is not being held accountable to dispose of it correctly.
- "Belly Up" -- How waste generated by industrial meat production is decimating North Carolina's waterways and in turn, killing its fish and ecosystems.
- "Birthright" -- Community members whose families have lived on their properties for generations talk about the heritage of their land and how it has been overtaken by industrial agriculture and animal waste.
- "Prisoners" -- Residents discuss how they have become prisoners in their own homes due to the impacts of pollution from industrial animal production, which make it nearly impossible for them to enjoy their property.
- "Misabeled" -- How the pork industry deceives consumers with its marketing tactics and labeling of its products.

- "Bullied" -- Duplin County resident Ex. 6 - Personal Privacy talks about how she has been intimidated and threatened by the pork industry to remain silent about the injustices she and her family faces.
- "Silenced" -- The pork industry intimidates by bullying and seeking to silence the people most affected by the impacts of its pollution.
- "The Value of Land" -- The pork industry's refusal to dispose of its waste in a regulated and more sustainable manner has decimated people's property values, making them unable to move.

These videos expand on the recent landmark report and GIS initiative by Waterkeeper Alliance, North Carolina Riverkeeper organizations and Environmental Working Group that shows the location and waste outputs of more than 6,500 swine, cattle and poultry operations throughout North Carolina. (Complainants previously forwarded information on the maps produced by the GIS initiative; available at <http://waterkeeper.org/fields-of-filth-landmark-report-maps-feces-laden-hog-and-chicken-operations-in-north-carolina/>.)

The Waterkeepers can also speak to their recent experience documenting the impacts of Hurricane Matthew and, particularly, the risks posed by lagoons and sprayfields to the waterways in this low lying coastal region, which is susceptible to hurricanes. See Complaint paragraphs 75-78. The North Carolina Riverkeepers conducted flyovers, documented spraying in advance of the storm (in violation of state permit conditions), and photographed overflows and potential problems at the facilities in the aftermath of the hurricane. See photos at <https://www.flickr.com/photos/waterkeeperalliance/sets/72157673749082442>.

Please let me know if these materials raise any question or if you have questions that you'd like the Waterkeepers to consider in advance of the call. Please also let me know if you plan to circulate a call-in number or whether we should set up the call.

Sincerely,

Marianne

Marianne Engelman Lado
Senior Staff Attorney
Earthjustice
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New York, NY 10005
T: 212.845.7393
F: 212.918.1556
earthjustice.org

Note: Starting January 1, 2017, I'll be launching a new environmental justice clinic at Yale Law School. Please feel free to reach me at Yale, by cell at 917 608-2053, or by email, marianne.lado@gmail.com.



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